

O P E N I N G S T A T E M E N T
O F O K A , T A K A Z U M I

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After careful consideration of the evidence adduced concerning the defendant OKA, it is obvious that he has been indicted and is now on trial not for any acts which he committed, but rather because he occupied a certain position which the Prosecution has erroneously contended, presupposes a guilty participation in an alleged conspiracy. If this theory were correct, then thousands of career men in similar Government positions should likewise be held responsible for the alleged acts of others and they, too, should be in the prisoner's box. It will be shown that this Indictment by general sweeping statements and trial by inference is not legally sufficient to prove any participation in a conspiracy to wage aggressive war or any of the other crimes ^{charged} against this defendant.

Although ^{the} defendant OKA is included in the blanket Indictment for conspiracy to wage aggressive war in the first seventeen counts, he is not included in the specific counts numbered 18 and 19 relating to initiating a war of aggression against China on 18 September 1931, and 7th July 1937. He is likewise not included in the specific counts numbers 23, 25 and 26, relating to initiating a war of aggression against France, the U.S.S.R., the Mongolian Peoples' Republic, and in Counts numbered 33, 35 and 36 relating to waging a war of aggression

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against France, the 'Mongolian Peoples' Republic and the U.S.S.R. In Group Two, relating to Murder, the defendant OKA is not included in the specific counts numbered 45, 46, 47, 48, 49, 50, 51 and 52 relating to alleged murder in China and the U.S.S.R.

It is obvious that the participation of the defendant OKA in the Manchurian Affair and China Incident was based upon presumption because of a committee membership which he held and because he was decorated for "his services" in both Incidents (Record Page 16,968.)

It will be shown that OKA did not participate in either Incident, directly or indirectly, and the Awards made to him were part of general awards to many thousands of navy men. The Manchurian Affairs Committee appointment (being from January 1938 to November 1939) was an automatic perfunctory appointment coexistent with the office he occupied, wherein action was taken by the defendant.

It will be shown that in October 1931, OKA was a member of the staff in the Research Section, Navy Ministry, and from October 1932 to April 1934, he was a member of the suite of the Japanese Naval Delegation to the League of Nations Standing Military Commission and also as a member of the suite of the Japanese Delegation to the general disarmament conference in Geneva he was stationed in Paris and Geneva. Upon his return to Japan he re-entered the Navy Ministry and served in the Temporary Research Section. That in December 1937, he was Captain of the battleship "JINGEI" and served on coastal patrol along the Japanese coast and that from December 1, 1937 up to January 14, 1938, he served

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in the Naval General Staff and concurrently in the Navy Ministry. Thus, it will be evident that he could not be involved in the Manchurian Incident, the signing of the Anti-Comintern Pact and the China Incident which occurred during the foregoing dates.

The Prosecution has placed great emphasis upon the fact that OKA was the Director of the Naval Affairs Bureau and alleges that the importance of his position is shown by the fact that he attended a number of liaison conferences, Imperial Conferences and Investigating Committee Meetings of the Privy Council. This is another erroneous presumption. The evidence will show that all of the foregoing meetings were attended by OKA in the capacity of a secretary or explainer. Although this is self-evident from the exhibits introduced by the Prosecution, we shall in addition to pointing out such disclosures in said Exhibits, also present the testimony of a former Navy Minister to incontrovertibly prove that OKA had no voice or vote at said meetings and was in no position to participate in the policies formulated therein.

We shall further prove that the aforementioned conferences and meetings were always attended by two categories of persons. One category was the members who usually occupied some cabinet or similarly high position and the other was the secretaries or explainers who were usually bureau heads attending for the purpose of assisting or presenting material to assist their superiors. We shall further prove that OKA only attended as a subordinate, never without his superior being present as a member, and always acted in a subordinate

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manner, without power to participate in the decisions or even engage in discussions except when asked. The Prosecution admitted OKA's inability to vote at these meetings (Record Page 16,972), and proceeded to say it was of little importance because the proceedings were always unanimous. It is not stated how the secretaries who did not vote showed unanimous approval. The Prosecution then stated further that "The important point that they fix him with full knowledge of the policy to be pursued, which we submit his position gave him great power of shaping, and he retained that position." This is a further presumption based on no act or acts of the defendant. The evidence will show that OKA occupied his post in a manner similar to other naval officers and that he was unable to resign of his own accord, even should he so desire.

The evidence will show that on October 15, 1940, OKA became Director of the Naval Affairs Bureau, Navy Ministry. That the Director of the Naval Affairs Bureau in the Navy Ministry, like other Bureau Directors, received his commands and orders from the Navy Minister, and it was his duty to carry out the matters decided by the Navy Minister under the supervision of the Vice Navy Minister, and he was simply one of the aides to the Navy Minister.

The proof to be adduced will also show that OKA continued as Director of the Naval Affairs Bureau after the formation of the TOJO Cabinet, even though there was a reshuffle in the Prime Minister or the Navy Minister because the custom prevailed in the Navy that such a shift should not affect the personnel ranking below that of the Vice Navy Minister.

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Thus OKA remained in his post, not of his own free will, but pursuant to the order from his superior officer to remain. Nor did OKA personally solicit the entry of Admiral YONAI in the TOJO Cabinet in order to strengthen it during the closing days of the TOJO Cabinet, but that such a solicitation was made upon the order of Admiral Naokuni NOMURA, the then Navy Minister.

We shall prove to the satisfaction of this Tribunal that OKA at all times acted in accordance with the policies formulated by his superiors and insisted on his subordinates acting in a similar manner. It will be shown through competent witnesses that OKA expended considerable effort on behalf of the Japanese-American negotiations and worked unceasingly for the successful conclusion of such negotiations. It will be shown that because of his known sympathetic attitude he was tentatively selected as one of the attendants to the suite to accompany Prince KONOYE on his proposed meeting with President Roosevelt, and he actually participated in preparing a steamship to carry the delegates to the proposed meeting.

It will be shown that the alleged statements made by OKA and referred to by the Prosecution as proof of his power to stop the war (Record Page 16,971) were in fact messages being delivered by him for and on behalf of his superiors. This is another erroneous premise relied upon by the Prosecution which falls of its own weight. It is indeed very flattering to the accused to credit him with absolute power to plunge his nation into war, when he was only a bureau chief, but the true facts will point out the utter absurdity of his contention.

Similarly the assertion that the formula for the American-Japanese negotiations was under the direct personal influence of OKA is based upon an erroneous conception. It will be shown that the Foreign Office was in charge of the preparation of said formula and that OKA was in no position to exercise any personal influence in drafting such an important policy. The evidence already adduced and to be adduced will show that the formula was prepared by the Foreign Office and copies were sent to all the Ministers for their suggestions. The Navy made its suggestions from time to time and in accordance with the regular routine procedure. It will be demonstrated that the foregoing presumption, which is based on Exhibit 1115 (Record Page 16,970) is erroneous and that the true interpretation of OKA's connection with said formula is limited to the procedure outlined above. It is also recalled that the Prosecution's interpretation has been corrected by the defendant KIDO on Page 31,238 of the Record.

The Prosecution also laid great emphasis upon OKA's presumed powers by stating that he attempted to bolster the TOJO Cabinet in 1944 by urging Admiral YONAI to join the Cabinet. However, the evidence will dissipate this presumption by showing the true facts through the Navy Minister who ordered OKA to make this inquiry in his behalf.

It has likewise been contended that OKA's appointment to a great number of committees was also proof of his great importance. Again it is only a presumption, based upon no proof of any specific act or acts. It will be shown that by virtue of his position as Director of the Naval Affairs Bureau, OKA was pursuant to custom and procedure automatically appointed to many committees, for the purpose of carrying out liaison

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work with Bureau heads of the other Ministries. It will appear that the appointment thus accompanied the office regardless of the individual. It will be shown that he seldom, if ever, attended the meetings of the various committees referred to by the prosecution in Exhibit 120, and usually required the various section heads or the person in charge to attend to those matters with which they were directly concerned. The primary reason for such committee meetings was the exchange of information between the various ministries.

The defendant is charged with crimes against humanity in Group Three of the Indictment and the evidence again is based upon presumption.

The Prosecution alleges that the Naval Affairs Bureau had similar jurisdiction to the Military Affairs Bureau for the handling of prisoners of war. The evidence already adduced has clearly proven that Prisoners of War were handled only by the Army through the Prisoners of War Information Bureau and the Army organs. In some instances the Naval combat units would temporarily hold prisoners before turning them over to the Army and these were handled by the respective commanders of the units as a part of operations. Similarly when some prisoners were temporarily held in a Naval Station camp they were under the supervision and control of the commander of said naval station. The only requirement under the Naval regulations was that the names and the number of prisoners being held should be reported to the Navy Minister for administrative purposes. The evidence adduced and to be adduced, will convincingly prove that notices of protest were usually addressed to the Chief of the Prisoners

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of War Information Bureau and or the War Vice Minister. In only one instance was ^{it} shown that a copy of a letter was forwarded to the Naval Affairs Bureau. This was in April 1945, about one year subsequent to the defendant's vacating that office.

Insofar as the atrocities at sea were concerned, there was no proof of the fact that the Navy Ministry or its subservient Naval Affairs Bureau were ^{responsible} for or had knowledge of the acts charged.

The evidence already adduced has demonstrated that no overall policy was ever adopted or pursued by the General Staff which ordered the destruction or mistreatment of prisoners and survivors but to the contrary many specific orders requiring fair treatment were introduced into evidence. It was charged that the Central Command issued verbal orders for the destruction of prisoners of war but this was emphatically denied by the General Staff Commander. However, it will appear that any attempt on the part of the Prosecution to fix any responsibility upon the defendant OKA for these acts is utterly baseless and without any foundation whatsoever.

The defendant OKA was appointed Vice Minister of the Navy on 18 July 1944 and served in this capacity until August 5, 1944.

On September 9, 1944 he was appointed Commander of the Chinkai Naval Station and served until June 1945 when he retired and was put on the reserve list.

We respectfully submit that no evidence has been introduced to substantiate the charges made against the defendant OKA and the facts to be related will clearly show that the case against him is based on

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a misconception. That the positions occupied by OKI as one of the
subordinates in the Navy Ministry gave him no authority to participate
in formulating important state policies. That he could not and did not
participate in any conspiracy to wage a war of aggression but as a
subordinate member of the fighting forces was guilty only of "faithfully
serving his country", once the war began.

岡 敏 純 冒 頭 陳 述

辯 護 人 宗 宮 信 次

エス、エー、ロバーツ

被告岡に關し提出せられた證據を仔細に検討して見ますと、被告が起訴され今日法廷に立つようになりましたのは、被告自身の行爲の故ではなくて被告が或る地位を占めてゐたためであり、その地位に關して檢察側がかかる地位に在る者は當然起訴にかかる共同謀議に参加したものであるとの誤まつた主張をしてゐるものであることが明かであります。若しこの理論が正しいとするならば被告と同じやうな官職に在る軍人、官吏で所謂他の者がとつた行動に對し被告岡の場合と同様に責任を負ひ被告席につかなければならぬ者は實に幾千名の多きに上ることでありませう。かやうな概括的陳述を以てする起訴と推定を基礎とする審判とは本被告に對して侵略戦争遂行の共同謀議その他如何なる罪科についても法律上その十分なる理由を見出すことができないといふことを茲に立證しようとおもひます。

被告岡は起訴狀第一項乃至第十七項の侵略戦争遂行の共同謀議に關する全般的起訴に包含されてゐますが昭和六年（一九三一年）九月十八日及び昭和十二年（一九三七年）七月七日の對中國侵略戦争開始に關する特殊の訴因第十八項、第十九項の内には擧げられてをりません。同様に「フランス」「ソ連」「蒙古人民共和國」等に對する戦争開始に關する特殊訴因第二十三項、第二十五項、第二十六項の内にも岡は擧げられてをりませ

ん。又「フランス」「ソ連」「蒙古人民共和國」等に對する侵略戰遂行に關する訴因第三十三項、第三十五項、第三十六項の内にも岡は含まれてをりません。又起訴狀第二項、殺人に關する部門のうち、「中國」「ソ連」の兩國において行はれたと稱せられる殺人に關する特殊の訴因第四十五項、第四十六項、第四十七項、第四十八項、第四十九項、第五十項、第五十一項、第五十二項のうちにも岡は含まれてをりません。被告岡が滿洲事變、支那事變に關與したとするのは當時被告が或る委員會の一員であつたこと及びこれ等二事變の「功」に依り勳章を授けられたことを理由として推測を下したものであることが明かであります。(記録第一万六千九百六十八頁)。

岡は直接にも間接にも滿支兩事變に無關係であつたこと又彼の叙勳は幾千名の海軍軍人が受けた一般勳功行賞の一部にすぎなかつたこと等を立證いたします。昭和十三年(千九百三十八年)一月から同十四年(千九百三十九年)十一月まで勤めました對滿事務局事務官の任命は當時の岡の本官職に伴ふ自働的機械的な任命でありまして被告は何等活動を致しませんでした。

岡は昭和六年(千九百三十一年)十月海軍省調査部員となり昭和七年(千九百三十二年)十月より昭和九年(千九百三十四年)四月まで國際連盟軍事常設(諮問)委員會帝國海軍代表隨員を仰せつけられ又「ジュネーヴ」一般軍縮會議に參列の全權委員隨員として「バリ」「ジュネーヴ」に駐在いたしました。歸朝と同時に再び海軍省に入り臨時調査部に勤務致しました。

昭和十二年（千九百三十七年）十二月軍艦「迅鯨」艦長に補せられ、日本沿海警備の任に當り、昭和十二年（千九百三十七年）十二月一日より同十三年（千九百三十八年）一月十四日に至るまで海軍軍令部出仕兼海軍省出仕になりましたことを立證いたします。右の次第でありますから、岡が上記期間中に起つた滿洲事變、防共協定調印、及び支那事變等の三事件に關係ある筈がないことは明かであるとおもひます。

檢察側は、岡が海軍省軍務局長であつたことに重誦を置き、連絡會議御前會議、樞密院審査委員會等に極舌が屢々列席せる事實を以て極舌の地位が如何に重要なものであつたかを示すものであると斷じてゐますがこれも亦誤つた推定であります。證據は岡が上述の諸會議に列席したのは幹事又は説明者の資格においてなされたことを示すであります。この事は檢察側提出の證據書類に徴しましても自明であります。右證據書類に加へて、尙岡が上述の諸會議において發言權も、票決權も有せず又會議において決定された政策に關與し得る地位に在らざりし事實をも立證するため、先きの海軍大臣の證言を提出し、以て議論の餘地を残さざらしむるであります。

我々は更に、上述の會議會合の出席者は常に二種から成立し、第一種は内閣の閣員乃至これと同等の地位に在る高官であり、第二種は通例局長級の者で、その上官を補佐するため、補助乃至材料提供を目的として列席する幹事又は書記官、説明者であつたことを立證いたします。更に

進んで次の事をも立證いたすであります。即ち岡は單に一介の部下として列席し、その場合必ず岡の上官たるべき者が會議の一員として出席してゐたこととあります。且つ又岡は常に部下として行動し、決議に參與する權能なく、又質問を受けた場合の外審議に口出する權能すら持たなかつたこととあります。檢察側は岡がこれ等の會議において票決權を有しなかつたことを認め（記録第一万六千九百七十二頁）會議の議事は常に満場一致主義で進められたのであるから、票決權の有無の如きは重要な點がなといつてゐます、併し票決を行はない書記官が、如何にして満場一致の賛意を表したかは説明されてゐません。次に檢察側は更に重要な點は「これらの會議は常に政策遂行に關する完全な知識を與へ、並し岡のこの地位は政策の形成に關して大きな力を彼に與へてゐる、而も岡はこの地位を保持してゐたのである」と述べられました。これも又被告岡の行動に全然基礎を置かぬ所の臆断であります。證據は岡が其の職に在つたのは、他の海軍軍人の場合と同じ事情に依つたものであつて、自己の意志で辭職することとはたとえ岡自身がそれを希望したとしても不可能でありしことを示すであります。

被告は昭和十五年（千九百四十年）十月十五日海軍省軍務局長に任命され、軍務局長は他の局長と同じく、海軍大臣から指揮命令を受け、海軍大臣の決定した事項を次官の監督の下に実行に移す職務を有するもので海軍大臣の補助者の一員にすぎなかつたのであります。これ等のことも證據を以て證明致します。

國は東條内閣成立し首相海相の交迭があつた後引續き軍務局長の地位にありましたがこれは大臣の交迭は次官より下の人事に迄影響しないと云ふ海軍内の慣例によるものであります。このことを證據によつて立證致します。それ故國は自己の自由意志からではなく、上官の命令によつて留任することになつたのであります。尚國が東條内閣末期に於いて同内閣の目的で太田提督の入閣を懇請したのは國の個人的行動ではなく、當時の海軍大臣野村直邦提督の命令によるものであります。

國は終始上官の定めた方針に従つて行動し又、自分の下僚に對しても同様に行動することを求めた事實は管法廷が充分御満足になるように立證するつもりであります。國は日米交渉のために多大の努力を拂ひ同交渉の圓滿なる妥結のために不慮の勢力を盡しましたこの事も適當なる證人に依つて立證致します。

彼はその熱心なる態度の故に近衛公使員の一人として近衛公使案の對ル
 ーズヴェルト大統領會談に出向すべく非公式に選定されてゐたこと、又
 其の會談に代表を送るため彼が現に汽船の準備に拂つてゐたことが立證
 されるでありませう。

檢案側は彼が戦争を防止する力をもつてゐた證據として圖の陳述と稱す
 るもの一記録一六九七一頁一を引證されましたがこれは事實彼が上官の
 命により傳達した傳言であることが立證されるでありませう。此の點も
 檢案側の限れる前提であり檢案側がこれに信憑することは即ち自らの重
 みで置けるのであります。一介の局長に過ぎぬ彼に租界をして戦争に突
 入せしむる絶對權ありしとなす即きは彼に對する追従の甚だしきものと
 言ふべきであります。此の主張が全く馬鹿げたものであることは事實が
 明白に指摘するでありませう。同様に日米交渉に關する原案が間直接の
 個人的影響の下にあつたとなす所定は誤つた觀念に基くものであります
 外務省が此の立案の適當者であり、間は斯かる重要政策の立案を個人的
 に左右し得る地位になかつたことを立證致しませう。

此の原案は外務省の作成する所であり、
意見が承められたため大臣の署名を捺印し、
之に向々示唆をしたことが既に提出され、また今提出される謄本によ
り立證されます。

法定證一、一一五號一記録一六、九七〇頁一に於て上述の警察側の推測が
誤謬であり、日本交渉の原案と同一の誤謬は石に述べた手續の範圍以外に
出づなかつた事が證明されませう。

なほ警察側の見解が記録三一、二三八頁において木戸被告により訂正され
「あることについて」御注意を喚起いたします。

警察側は、岡が昭和十九年米内大將に入閣を懇請し、東條内閣補強を企
圖したことを述べ、岡の能力を誇張し「居ます。併し、石の懇請を共に命
じた當時の海軍大臣により真相を示すことにより石の推測は糞散するであ
りませう。

又該委員會の主要地位に任ぜられたことが岡の有力であつた證左として
 諭ぜられて居ますがこれ亦何等特定の行爲に基く證據を持たぬ單なる憶
 測に止まるものであります。彼はその軍務局長としての地位により手續
 慣例により自動的他省の局長達との連絡任務を果す爲、多くの委員に
 任命されたのである事が立證されませう。個人の如何にかかはらず一定
 の職にある者は一定の委員に任命された事實を明らかに致します。檢察
 側が法廷證一二〇號に上げられた各種委員會の會合の席に彼は殆ど出席
 したことなく常にそれに直接關係ある各課長又は主務局員が出席せしめ
 られて居たことも亦證明されませう。此等委員會の會合の主たる目的は
 各省間の情報の交換にあつたのであります。此等委員會の會合の主たる目的は
 被告は起訴狀第三項に於て人道に對する罪を問はれてゐますがこれ亦、
 その證據とする所は單なる臆測であります。
 檢察側は海軍省軍務局が俘虜取扱に關し陸軍省軍務局と同等の權限を持
 つてゐたと主張して居ります。しかし既に提出の證據によつて俘虜取扱
 が俘虜情報局其他の陸軍機關により陸軍のみでなされて居たことが
 明瞭であります。或る場合には海軍機關の一部として各部隊指揮官の管理下
 暫定的に彼等を收容し、俘虜は作戰の一部として各部隊指揮官の管理下
 にありました。同様に俘虜が一時的に鎮守府附屬の收容所に收容された

時はその俘虜は當該鎮守府長官の監督下にありました。海軍の規則により要求せらるる唯一の事項は、一時的收容の俘虜の氏名、人数を管理の目的上海軍大臣に報告することでありました。既に提出され又は今後提出される證據によつて、俘虜取扱に關する抗議文書の通常陸軍俘虜情報局長乃至陸軍次官宛であつたことが確證されませう。文書の寫し一通が海軍省軍務局宛に送達された例は唯一度あるのみであります。それは昭和二十年（一九四五年）四月既に被告がその職を退りて約一ケ年も後のことでありました。

海上に於ける殘虐行爲に關しては海軍省乃至その一部の任務を擔當する軍務局がそれについて責任があり又はそれを承知してゐたものであることを立證し得る證據は何等ありませんでした。既に提出された證據によつて軍令部が俘虜その他生存者の殺害又は虐待を命ずる如き一般方針を採り又は實行したことは斷じてなかつたことが明らかであります。否、公正なる取扱を爲すべき旨を命じた多數の實例が證據として提出されて居ます。中央指導部が、口頭で俘虜殺害の命令を發したと檢察側は主張しますが之は軍令部側の断呼否定した所であります。いづれにしても以上の行爲につき何等かの責任を岡被告に負はしめんとする檢察側の企圖

は、全然何等根據無きことが明瞭になりませう。
被告岡は昭和十九年七月十八日海軍次官に任ぜられ同年八月五日迄在職しました。同年九月九日鎮海警備府司令長官に補せられ昭和二十年六月迄在職の後彼は退職して予備役に編入されました。我々、被告岡に對する罪狀を成立せしめる證據が一つも提出されてをらず且つ事實は明瞭に彼に對する起訴が誤解に基くものであることを實證してゐることを申立て、また海軍省の一幕僚として岡の占めた地位は、重要國策の成立に關與する權限を彼に何等與へなかつたこと、彼は侵略戦争を起すための共同謀議に参加せず又参加し得なかつたこと、陸海軍となつた以上軍の一員として祖國に忠實に奉仕した罪を負ふのみである事實を申立てて御裁判を仰ぐ者であります。

九 四 頁

七 一〇 行

退りて 與へ蓋し岡 誤字

退いて 與へ、岡 訂正

岡冒頭陳述正誤表